

**A G E N D A**  
**BOARD OF SHELBY COUNTY COMMISSIONERS**  
**CHARTER FORM OF GOVERNMENT**  
**DECEMBER 20, 2004**

<b>1:30 P.M.</b>	<b>COMMISSION CONVENES</b>
<b>CALL TO ORDER</b>	<b>Deputy Sheriff Ricky Jackson</b>
<b>INVOCATION</b>	<b>Dr. Bill Bouknight</b> <b>Christ United Methodist Church</b>

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Approval of Minutes of Previous Sessions**

<b>WILLINGHAM</b> <b>ADOPTED</b>	<b>December 6, 2004</b>
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**C O N S E N T   A G E N D A**

**Resolutions of Memorial, Sympathy and Commendation**

<b>MALONE</b> <b>ADOPTED</b>	<b>1.     Memorial Resolution in honor of Angela D. Mitchell, distinguished chairperson of the Shelby County Headstart Policy Council.</b>
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**Ordinances**

<b>MOSS</b> <b>APPROVED</b>	<b>2.     <u>ORDINANCE – (ZTA 03-002 CC) SECOND READING</u> – A Joint Ordinance amending the Memphis an Shelby County Zoning Ordinance adopted by the Shelby County Board of Commissioners on October 6, 1980, and the Council of the City of Memphis on October 7, 1980; being Joint Ordinance No. 3064, as amended, by amending Section 29 - Signs                     Subsection III – Definitions;                     Subsection IV – Classification of signs;                     Subsection V – Signs prohibited;                     Subsection VI – General standards;                     Subsection VII – Permanent on-premise sign regulations;                     And by creating a new Subsection XII – Violations,                     And a new Subsection XIII – Enforcement and Penalties;</b>
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amending Section 30 – Nonconformities; Subsection E – Nonconforming on-premise and off-premise signs; providing for severability; providing for repeal of conflicting ordinance requirements; and providing an effective date.

**Zoning and Subdivisions**

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| <b>MOSS<br/>ADOPTED<br/>(A)</b> | <b>3. Resolution approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer.</b> |
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**Reports and/or Resolutions of Standing Committees**

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| <b>KIRK<br/>ADOPTED</b> | <b>4. Resolution to amend the FY 2005 CIP and Debt Service budgets and appropriate an amount not to exceed \$240,000.00.</b> |
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| <b>KIRK<br/>ADOPTED</b> | <b>5. Resolution to convey 13,809 square feet (0.317 acres) of county owned land along with the grant of three (3) permanent drainage easements, a temporary slope easement and a temporary construction easement across county owned real property located on the south side of Summer Avenue, approximately 470 feet west of the centerline of Shelby Oaks Drive, to the State of Tennessee, without monetary consideration, for the proposed widening and improvement of Summer Avenue.</b> |
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| <b>KIRK<br/>ADOPTED</b> | <b>6. Resolution approving expenditure of funds in the amount of \$1,398,221.23 to various vendors for the purchase of staple groceries for departments of Shelby County Government.</b> |
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| <b>KIRK<br/>ADOPTED</b> | <b>7. Resolution approving expenditure of funds in the amount of \$390,875.23 to various vendors for the purchase of meat and poultry items for departments of Shelby County Government.</b> |
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| <b>KIRK<br/>ADOPTED</b> | <b>8. Resolution approving the sale of real property jointly owned by the county and the City of Memphis located on Belmont Circle in Memphis, Tennessee, to F. Terrence Brigham for \$136.00.</b> |
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| <b>KIRK<br/>WITHDRAWN</b> | <b>9. Resolution approving a settlement in the amount of \$80,000.00 to resolve four condemnation litigation cases involving the widening of Hacks Cross Road north and south of its intersection with Nonconnah Parkway.</b> |
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**LILLARD  
ADOPTED**

10. Resolution approving proposal agreement between the County of Shelby and the State of Tennessee Department of Transportation for roadway improvements to I-240 from north of SR-385 (south of Poplar Avenue) to north of Walnut Grove Road in Shelby County, State Project Number 79006-2181-44.

**LILLARD  
ADOPTED**

11. Resolution approving proposal agreement between the County of Shelby and the State of Tennessee Department of Transportation for roadway improvements to SR-86 (US-72) from Mississippi State Line to 500 feet south of Shelby Drive in Shelby County, State Project Number 24001-2207-14.

**LILLARD  
ADOPTED**

12. Resolution authorizing Amendment Number 1 to Contract Number CA043552 with Dalhoff Thomas Daws for Phase One development of the Nonconnah Greenbelt Project and appropriating funds in the amount of \$2,500.00 from the FY 2004/2005 budget for CIP Project Number 101125, Nonconnah Greenbelt.

**AVERY  
ADOPTED**

13. Resolution to approve a contract between the Memphis and Shelby County Health Department and the Tennessee Department of Health in the amount of \$443,000.00 to operate the CSFP Program for the period October 1, 2004 through September 30, 2005, and to amend the FY 2004/2005 Operating Budget.

**AVERY  
ADOPTED**

14. Resolution approving the contract between Shelby County Government and the Regional Medical Center in the amount of \$285,822.00 to provide emergency medical and psychiatric assessment and detoxification program services to homeless individuals.

**THOMPSON  
ADOPTED**

15. Resolution to authorize the office of the District Attorney General to accept \$232,243.00 in the FY 2004 Project Safe Neighborhoods Program from the Bureau of Justice Assistance, Office of Justice Programs, and to amend the FY 2004/2005 Shelby County Operating Budget and Position Control Budget.

**THOMPSON  
ADOPTED**

16. Resolution to authorize the office of the District Attorney General to amend the Position Control Budget by adding a Clerical Specialist I for the office of the District Attorney General.

**THOMPSON  
ADOPTED**

17. Resolution to approve a contract with New Directions, Inc., for the provision of treatment services to Shelby County Drug Court in the amount not to exceed \$250,000.00.

<b>THOMPSON ADOPTED</b>	<b>18.</b>	<b>Resolution amending the FY 2004/2005 Operating Budget for the State of Tennessee Department of Transportation – Governor’s Highway Safety Office grant for the Metro Youth DUI Unit project to allocate a portion of the grant funds in Fund 790 for equipment purchases in the amount of \$24,600.00.</b>
<b>THOMPSON ADOPTED</b>	<b>19.</b>	<b>Resolution amending the FY 2004/2005 Operating Budget for the Division of Public Works, Department of Homeland Security Weapons of Mass Destruction grant in the amount of \$2,607,416.00.</b>
<b>THOMPSON ADOPTED</b>	<b>20.</b>	<b>Resolution amending the FY 2004/2005 Operating Budget for the Division of Public Works, Department of Homeland Security Weapons of Mass Destruction grant in the amount of \$1,088,811.00.</b>
<b>THOMPSON ADOPTED</b>	<b>21.</b>	<b>Resolution amending the FY 2004/2005 Operating Budget for the Division of Public Works, Department of Homeland Security Weapons of Mass Destruction grant in the amount of \$9,046.85.</b>
<b>MALONE ADOPTED</b>	<b>22.</b>	<b>Resolution to Amendment #1 to the Shelby County Community Services Agency’s Low Income Home Energy Assistance Program contract due to additional allocations from the Tennessee Department of Human Services and to amend the FY 2005 Operating Budget from \$4,104,989.00 to \$4,201,762.00, an increase of \$96,773.00.</b>
<b>MALONE ADOPTED</b>	<b>23.</b>	<b>Resolution to accept federal grant funds in the amount of \$21,354,529.00 for the Head Start program for the period January 1, 2005 to December 31, 2005, and to amend the FY 2004/2005 Shelby County Operating Budget.</b>
<b>MALONE ADOPTED</b>	<b>24.</b>	<b>Resolution to approve Amendment #1 to the Shelby County Community Services Agency’s Community Services Block Grant program contract due to additional allocations from the Tennessee Department of Human Services and to amend the FY 2005 Operating Budget from \$2,335,200.00 to \$2,485,022.00, an increase of \$149,822.00.</b>
<b>MALONE ADOPTED</b>	<b>25.</b>	<b>Resolution approving the Delegate Contract between Shelby County Government and Goodwill Homes Community Services, Inc., for the grant year January 1, 2005 through June 30, 2005.</b>
<b>MALONE ADOPTED</b>	<b>26.</b>	<b>Resolution approving the Delegate Contract between Shelby County Government and Primary Preparatory, Inc., for the grant year January 1, 2005 through December 31, 2005.</b>

MALONE  
ADOPTED

27. Resolution approving the Delegate Contract between Shelby County Government and Porter Leath Children's Center for the grant year January 1, 2005 through December 31, 2005.

MALONE  
ADOPTED

28. Resolution approving the Delegate Contract between Shelby County Government and the YMCA of Memphis and the MidSouth for the grant year January 1, 2005 through December 31, 2005.

BOLTON  
(REMOVED  
TO REGULAR  
AGENDA)  
ADOPTED

29. Resolution to approve the Management Agreement between Shelby County Government and Agricenter International for the operations and maintenance of Showplace.

MOSS  
ADOPTED

CONSENT AGENDA

## ***R E G U L A R   A G E N D A***

### **Elections, Appointments, and Confirmations**

MALONE  
ADOPTED

30. Resolution approving the county mayor's nomination of Travis Smith for reappointment to the *Shelby County Healthcare Corporation*, retroactive to January 10, 2003 and expiring on January 10, 2006, for a term of three (3) years.

MALONE  
ADOPTED

31. Resolution approving the county mayor's nomination of George D. Barnes for reappointment and the joint city/county reappointment of Michael C. Ritz to the *Memphis and Shelby County Depot Redevelopment Corporation*.

### **Ordinances**

MALONE  
APPROVED  
AS AMENDED  
(DEFERRED  
TO 01/10/05)

32. **ORDINANCE – THIRD READING** – An Ordinance amending Section 12-38[c] of the Shelby County Code formerly Section 19 of Chapter 110 of the Private Acts of 1971 in order to add language establishing a time limit and other conditions for eligibility for the Civil Service Classified Fallback Position in employment with Shelby County Government.

### **Zoning and Subdivisions**

**MOSS  
(DEFERRED  
TO 01/10/05)**

- 33. CASE NO. P.D. 04-363 CC**  
**APPLICANT:** Latting Road Partners, LLC
- LOCATION:** South side of Latting Road; +276.45 feet east of Pisgah Road
- REQUEST:** A planned development to permit 71 single family detached lots with a minimum lot size of 9,700 square feet within the plan
- Memphis and Shelby County Office of Planning and Development recommendation:**  
**APPROVAL WITH CONDITIONS**
- Memphis and Shelby county Land Use Control Board recommendation:**  
**APPROVAL WITH CONDITIONS**
- (Notice of public hearing published in the Daily News on Friday, December 30, 2004.)

**MOSS  
ADOPTED**

- 34. CASE NO. S.R. 04-903 CC**  
**APPLICANT:** Jim Ethridge and Coastal Fuels, Inc.
- LOCATION:** South side of Macon Road at Far Drive
- REQUEST:** Revoke final plat for Phase One of the Woodland Hills Planned Development (P.D. 92-323 CC)
- Memphis and Shelby County Office of Planning and Development recommendation:**  
**APPROVAL**
- Memphis and Shelby County Land Use Control Board recommendation:**  
**APPROVAL**
- (Notice of public hearing published in the Daily News on Friday, December 10, 2004.)

**MOSS  
ADOPTED**

35.

**CASE NO. P.D. 04-356 CC**  
(Briarcrest Baptist School Planned Development))  
**APPLICANT:** Waymon H. Welch, Jr. and Dawn Kinard  
  
**LOCATION:** South side of Old Dexter Road;  
+653.89 feet east of Bonnie Drive  
  
**REQUEST:** Amendment to an existing planned development to permit a car wash in Area A  
  
Memphis and Shelby County Office of Planning and Development recommendation:  
**REJECTION**  
  
Memphis and Shelby County Land Use Control Board recommendation:  
**APPROVAL WITH CONDITIONS**  
  
(Notice of public hearing published in the Daily News on Friday, November 12, 2004.)

**Reports and/or Resolutions for Standing Committees**

**LILLARD  
ADOPTED**

36.

Resolution authorizing the cancellation of that certain confirmation (“J.P. Morgan Confirmation”) dated December 18, 1998, under the ISDA Master Agreement by and between Morgan Guaranty Trust Company of New York and Shelby County, Tennessee dated June 24, 1998, related to the proposed issuance of the county’s \$35,800,000 General Obligation Weekly Adjustable/Fixed Rate Refunding Bonds, 2005 Series A (the “Series 2005A Bonds”); permitting the cancellation of the authorization of the issuance of the Series 2005A Bonds and the related bond purchase agreement (the “Bond Purchase Agreement”) dated December 18, 1998, by and between Shelby County, Tennessee and J.P. Morgan Securities, Inc.; authorizing proper officials to do all things deemed necessary or advisable in connection with effecting this resolution; and providing an effective date.

**THOMPSON  
(DEFERRED  
TO 01/10/05)**

37.

Resolution approving contract with the Wackenhut Corporation in the amount not to exceed \$295,730.00 for the provision of security services for all entrances to the Shelby County Division of Corrections Main Compound.

**THOMPSON  
(DEFERRED  
TO 01/10/05)**

38.

Resolution approving an increase in the FY 2004/2005 Budget of the Emergency Management Agency in the amount of \$428,125.00 for three (3) additional emergency response ambulances; approving amendment to the contract with Rural Metro Mid-South, LP and authorizing the Mayor or his designee to negotiate an amendment to the Intergovernmental Agreement.

**BOLTON  
ADOPTED**

39. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code A Title 29, Chapter 20, Section 205 relative to Governmental Tort Liability for Emergency Services, and TCA Title 6, Chapter 51, Part 1 relative to Annexations and Emergency Services.”

**BOLTON  
(DEFERRED  
TO 01/10/05)**

40. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated Title 7, Chapter 53, Section 101, relative to Industrial Development Corporations.”

**BOLTON  
ADOPTED  
AS AMENDED**

41. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated Title 67, Chapter 4, Part 5, relative to a tax on the privilege of recording transfers of realty”.

**BOLTON  
(DEFERRED  
TO 01/10/05)**

42. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to authorize Shelby County to assess an Impact Fee on development in order to provide that development contribute its fair share of the cost of providing and maintaining public facilities and services made necessary by such development.”

**BOLTON  
(DEFERRED  
TO 01/10/05)**

43. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to authorize Shelby County to levy and collect a Privilege Tax on development in order to provide that development contribute its fair share of the cost of providing and maintaining public facilities and services made necessary by such development.”

**BOLTON  
ADOPTED**

44. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated Title 8, Chapter 8, Section 108, relative to Service of Process.”

**BOLTON  
FAILED**

45. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated Title 8, Chapter 8, Section 201, relative to Appointment of Court Officers.”



**BOLTON  
ADOPTED**

- 46. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated Title 8, Chapter 21, Section 401, relative to Court Fees.”**

**BOLTON  
ADOPTED**

- 46A. Resolution appointing the secretary to the Shelby Board of Commissioners pursuant to Shelby County Charter, Article II, Section 2.02 (A).**

**KIRK  
ADOPTED**

- 46B. Resolution appointing the Operations Assistant to the Shelby Board of Commissioners pursuant to Shelby County Charter, Article II, Section 2.02 (A).**

**Announcements/Statements**

**Adjournment**

**LILLARD  
ADOPTED**

- 47. Resolution of Adjournment to January 10, 2005, at 1:30 p.m.**

**AGENDA # 3**  
**DECEMBER 20, 2004**

**3A**

**SUBDIVISION:** JARRATT SUBDIVISION, FIRST ADDITION (S 04-001 CC)

**DEVELOPER:** RICK JARRATT

**ACTION:** RESOLUTION TO APPROVE THE PLAT FOR JARRATT  
SUBDIVISION, FIRST ADDITION (S 04-001 CC) AND  
AUTHORIZE THE RECORDING OF THE PLAT

**LOCATION:** TWO HUNDRED FEET WEST OF THE INTERSECTION OF LUCY  
ROAD AND SKYES ROAD

[For questions regarding the Agenda,  
please call Steve Summerall at 545-4301.]